

**Tennessee Board of Medical Examiners’
Committee on Physician Assistants
July 8, 2011**

Minutes

A regular meeting of the Tennessee Board of Medical Examiners’ Committee on Physician Assistants was held in the Poplar Room at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee.

Members Present: Johnny Presley, PA-C Johnny Nowlin, PA-C; James Montag, PA-C; Gary Tauxe, OPA and Anne Arney, Public Member

Staff Present: LaTonya Shelton, Administrator; Marsha Arnold, Unit Manager; Elizabeth Miller; and Andrea Huddleston, Assistant General Counsel

Mr. Johnny Presley, Committee Chairman called the meeting to order at 9:08 a.m. The Chairman determined that a sufficient number of members were in attendance to constitute a quorum.

Approval of Minutes

Mr. James Montag made a motion to approve the minutes of the April 15, 2011 meeting. Ms. Anne Arney seconded the motion. The motion passed unanimously

Ratification of New Licenses, Temporary Permits Reinstatements and Failure to Renew

Mr. James Montag made a motion to ratify the new licenses, temporary permits, retirements and failed to renew. Ms. Johnny Nowlin seconded the motion. The motion passed unanimously.

Financial Report

Ms. Elizabeth Miller reported that direct expenditures for the FY 2011 as of March 31, 2011 were \$ 34, 541.84 and the indirect expenditures were not available. Ms. Miller also reported the revenues that were collected for the current FY 2011 through March 31, 2011 was \$ 143,609.10. The Committee’s total expense relative to the cost distribution for the new RBS system will be \$11,444.89.

Manager's Report

Ms. Marsha Arnold reported on the activities in the administrative office between April 1, 2011 and June 30, 2011 concerning Physician Assistants.

27 new applications, 21 new licenses, 1 reinstatement. Online renewals are sixty-six percent (66%). The number of active licensees as of June 30, 2011 is 1,229 and the total number of active licensees with a Tennessee mailing address is 1,085. The total number of active licensees with a Tennessee practice address is 757. The total number of OPA licenses as of June 30, 2011 is 24.

Disciplinary Report

The Committee reviewed the disciplinary report submitted by Ms. Juanita Stone, Disciplinary Coordinator. Twelve (12) licensees are currently being monitored, two (2) are on probation, two (2) licensees are currently suspended, four (4) are currently revoked or surrendered and four (4) are under some form of board order. Ms. Stone informed the Committee that Mr. Ronald Flowers is in compliance and will be removed from the list.

Investigations Report

Ms. Juanita Stone, Disciplinary Coordinator, informed the Committee that there were fifteen (15) new open complaints relative to physician assistants and nine (9) waiting for review and six (6) in the field. There are no open complaints against orthopedic physician assistants in the Office of Investigations.

OGC Report

Ms. Andrea Huddleston, Assistant General Counsel, informed the Committee that the Office of General Counsel currently has nine (9) open files on six (6) Respondents. There is one consent order on the agenda today. There is also a licensure denial appeal scheduled for a case hearing today that is not counted in the above number.

Rules

A rulemaking hearing was held on July 9, 2010 regarding amendments to Rule 0880-03-.06, Fees; Rule 0880-03-.15, Disciplinary Grounds, Actions, and Civil Penalties; Rule 0880-10-.06, Fees and Rule 0880-10-.15, Disciplinary Grounds, Actions, and Civil Penalties. The rule packet was submitted to the Office of the Attorney General on July 26, 2010 and remains under review.

Licensure Denial Appeal

Anthony Loope, New Tazewell, TN- was present via phone and was not represented by legal counsel Williams, Administrative Law Judge presided. Ms. Andrea Huddleston represented the State of Tennessee. Mr. Loope appeared before the Committee on October 9, 2009 for an interview regarding his reinstatement application which lapsed on March 31, 2009. Mr. Loope had not complied with a previous order dated November 6, 2007. After meeting with and talking to Mr. Loope, the Committee voted to deny reinstatement of his physician assistant license and he would have to apply for and be granted a new license in order to practice as a physician assistant in Tennessee. On July 9, 2010 Mr. Loope appeared before the Committee for an interview regarding his application for licensure. After reviewing his application, supporting documents and interviewing Mr. Loope, the Committee voted to deny his application. The Committees' factual basis for their actions were that Mr. Loope failed to disclose on no less than five (5) different occasions the fact that he was convicted of Reckless Driving in 2007 in at least the following locations:

1. 2010 Application for Licensure
2. Practitioner Profile
3. 2009 Reinstatement Application
4. The Practitioner Profile submitted concurrently with his 2009 reinstatement application; and
5. 2007 Renewal Application

Ms. Anne Arney made a motion affirm the denial of the application for licensure and Mr. James Montag seconded the motion. The motion carried unanimously.

Tennessee Professional Assistant Program (TNPAP)

Mr. Mike Harkreader reviewed the TNPAP report which was the same report provided at the previous meeting. For the period of July 1, 2010 through June 16, 2011 TNPAP has a total of eleven (11) participants being monitored. There were four (4) referrals to the program from an employer due to impairment. One (1) is receiving treatment. There were three (3) monitoring agreement signed and three (3) were discharged. One (1) was not a resident in Tennessee. One (1) successfully completed the program and one (1) rejected services which did not require reporting to the Committee.

Applicant Interview

Mr. Ronald Flowers, PA, Maryville, TN appeared before the Committee. Action on Mr. Flowers' reinstatement application was deferred at the October 8, 2010 meeting until he could provide evidence of one (1) year of sobriety and (2) meet the Committee's policy regarding the re-entry to clinical practice. Mr. Flowers was under a previous consent order on January 18, 2008, that revoked his license for at least one year. Mr. Flowers would be eligible for reinstatement of licensure once he fulfilled the following conditions: (1) enter a monitoring

contract not less than three (3) years and maintain advocacy with TNPAP throughout the duration. Once Mr. Flowers provide satisfactory evidence to the Committee, his license was to be reinstated and placed on probation to run concurrent with the remainder of his contract with TNPAP. Mr. Flowers has fulfilled the requirements therefore Ms. Anne Arney made a motion to reinstate Mr. Flowers' license and Ms. Johnny Nowlin seconded the motion. The motion carried unanimously.

Consent Order

Stanley King, PA McKenzie, TN was not present nor was he represented by legal counsel. Mr. King's license was placed on probation for a period of three (3) years for inappropriate prescribing narcotics and/or controlled substances to eleven (11) of his patients. Mr. King agreed to surrender his DEA registration and agreed not to prescribe any controlled substances for a period not less than one year from the date of entry of the order. After one year Mr. King is to appear in person and be in compliance with all pending terms in order to file a petition to have the restrictions lifted. Mr. King is requested to enroll in and successfully complete within six (6) months, the three (3) day medical course entitled "Prescribing Controlled Drugs" offered at The Center for Professional Health at Vanderbilt University Medical Center or an equivalent course pre-approved in writing by the Consultant for the Board of Medical Examiners. In addition to the course work Mr. King is required to complete and submit to the Disciplinary Coordinator ten (10) additional CME hours per in the area of pain management per year for the term of his probation. These hours shall be over and above the required hours for maintenance of licensure. Mr. King shall pay eleven (11) Type A civil penalties in the amount of one thousand dollars for a total of eleven thousand dollars (\$11,000.00 and all reasonable and actual costs of this action, which shall not exceed \$5,000.00. Ms. Johnny Nowlin made the motion to accept the Consent Order as written and Mr. James Montag seconded the motion. The motion passed unanimously.

Order of Compliance

Justin Turner, PA-C Smyrna, TN was present and represented by legal counsel, Mr. Tom Parsons. Ms. Andrea Huddleston represented the State. Mr. Turner has petitioned for an Order of Compliance on April 11, 2011 and appeared before the committee at the April 15, 2011 meeting. Action on Mr. Turner's petition at that time was deferred because he did not fulfill the order previously entered on July 20, 2010 which suspended his license for a term of not less than one hundred and eighty (180) days. Mr. Turner's order recommended (but did not require) that he complete the following course work: the Case Western Reserve University School of Medicine "Intensive Course in Controlled Substance Management" course and the Case Western Reserve University School of Medicine "Intensive Course in Medical Record Keeping." Mr. Turner has now fully complied with the previous disciplinary order and his license shall be placed on Probation for a term not less than five (5) years. All other terms and restrictions provided in the previous Consent Order remain in effect. Ms. Nowlin

made a motion to accept Mr. Turner's petition and Ms. Anne Arney seconded this motion. The motion passed unanimously.

Legislation

HB172- (Humane Trafficking) – As introduced, any governmental entity, private business or establishment that provides or offers a place of assembly or entertainment, transportation, lodging, dining, educational, medical or leisure activities or services are strongly encouraged to post a sign indicating certain information regarding the Tennessee humane trafficking resource center hotline in a location that's visible to employees and the general public.

General Discussion

Continuing Medical Education Policy: Ms. Andrea Huddleston suggested that the committee revisit their continuing medical education policy at the next scheduled meeting. She advised the Committee that there has been some information that may suggest that the National Practitioner Databank may require the reporting of fines assessed against licensees for failure to comply with the Committee's rules regarding continuing medical education. Ms. Huddleston informed the Committee that she was working toward a definitive answer on the question. Mr. James Montag made a motion to defer action to the October 7, 2011 meeting and Ms. Johnny Nowlin seconded the motion. The motion carried unanimously.

Controlled Substance Data Base Advisory Committee: Mr. James Montag made a motion to designate Mr. Johnny Presley to participate/represent the Committee on the Controlled Substance Data Base Advisory Committee. Ms. Anne Arney seconded the motion. The vote passed unanimously.

Registration of Pain Management Clinics: Ms. Anne Arney made a motion to formally designate Mr. James Montag to represent the Committee on the task force consulting with the Commissioner for the Department of Health developing rules regarding the registration of pain management clinics.

Hormone Replacement Therapy: After the Committee reviewed HJR 104 they designated Ms. Johnny Nowlin to work with the Board of Medical Examiners and the Board of Nursing to develop a standard of care relative to hormone replacement therapy. Ms. Anne Arney seconded the motion. The vote passed unanimously.

This meeting adjourned at 12:32 p.m. The next meeting is October 7, 2011 at 9:00 a.m. at 227 French Landing, Heritage Place Metro Center, Nashville, Tennessee

These minutes were ratified by the Committee on October 7, 2011.